S.B. Cr. Bail Application No. 5487/2007
(Babu Lal Vs. State of Rajasthan)

Date of order : 16.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. N.S.Rathore for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the case of the present petitioner is better than co-accused Ramesh and all other accused who have been released on bail.

Learned public prosecutor opposed the bail application and contended that the occurrence is of 31.10.04 and the petitioner remained absconding for a period of about three years on account of which the trial could not proceed and he was arrested only on 20.9.2007 after about three years. The possibility cannot be ruled out that if the petitioner is released on bail he would again abscond.

Keeping in view the fact that the petitioner remained absconding for a period of about three years and the trial could not proceed on that account and possibility cannot be ruled out that if the petitioner is released on bail, he would again abscond, in my view, it is not a fit case to release the petitioner on bail. The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed. The trial court is directed to expedite the trial of the case.

(H.R.PANWAR), J.

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